

Ellsberg's Defense Is Weak

BY ROSCOE DRUMMOND

WASHINGTON—After he was arraigned for appropriating and leaking secret government papers to the press, Daniel Ellsberg outlined an incredible line of defense.

I'm not judging Ellsberg's guilt or innocence. That will be for the courts to decide. But it is well to examine his press conference statement expounding why he contends he did no wrong in acquiring and releasing confidential government documents—and to see where his contentions take things if he is right.

His proposition is that the act of Congress safeguarding government secrets from unlawful use should not apply to his actions for one reason: Because the secret Vietnam papers he took "deal with high crimes committed by officials of our government."

I fail to see how the objective facts bear out his contentions. The Pentagon Papers cite no "high crimes committed by officials of the government," as Ellsberg alleges.

One can fairly argue that our defense of South Vietnam was unwise, unnecessary, imprudent and against the national interest, but there's no basis to assert that officials who took the opposite view thereby became criminals.

Can Ellsberg seriously contend that those who disagree with his second thoughts about the Vietnamese war and who have a different view from his as to what is in the national interest, thereby become immoral and criminal? If Ellsberg is right that he should be

exempt from the law because he was helping to uncover "crimes committed by officials of our government," then who are these officials whom Mr. Ellsberg wants to bring to the dock with him?

Under Ellsberg's theories, the United States District Court of Los Angeles is trying the wrong man or men. Under Ellsberg's reasoning the "criminals" would have to be nearly the entire legislative and executive branches of the government, namely: Former Presidents John F. Kennedy and Lyndon B. Johnson, those 502 senators and congressmen who voted for the Southeast Asia resolution on August 7, 1965; former Secretary of State Dean Rusk; former Secretary of Defense Robert McNamara, and their principal aides; the entire membership of the National Security Council and its advisory staff, all the members of the Joint Chiefs of Staff; the principal security advisers to JFK and LBJ.

Ellsberg was an early and ardent supporter of the defense of South Vietnam. Were Presidents Kennedy and Johnson acting immorally and criminally when they were conducting a war Ellsberg approved? Or were they acting immorally and criminally only after Ellsberg came to disapprove? If JFK and LBJ were guilty officials of the government, then the 88 senators and 414 congressmen who approved the Southeast Asia resolution are also guilty because therein they "authorized" every military action taken by President Johnson and the Joint Chiefs.

When I last talked with Ellsberg, he said he might well have to spend several years in jail because of his actions. His lawyers may do better, but what Ellsberg has said in his own behalf seems a porous defense devoted mostly to accusing others.



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